

MAT-8189US

PATENT

#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yoshio Goda et al. : Art Unit: To Be Assigned
 Serial No.: 09/980,880 : Examiner: To Be Assigned
 Filed: September 3, 2002 (MISSING REQ. DATE) :
 FOR: TOP SEALING PLATE, BATTERY USING THE : ATTN: PCT Legal Department
 TOP SEALING PLATE, AND METHOD OF MANUFACTURING :
 THE BATTERY :

**PETITION FOR RESETTING OF DUE DATE FOR
 RESPONSE TO LOST NOTIFICATION OF MISSING REQUIREMENTS**

Assistant Commissioner for Patents

BOX PCT

Washington, D.C. 20231

S I R :

This Petition is being filed to request that extension of time fees not be charged for responding to the outstanding Notification of Missing Requirements. The facts are as follows:

1. On August 9, 2002, the undersigned, Applicants' representative, determined that a Notification of Missing Requirements had not been received by the undersigned regarding the above-identified application. A copy of the internal office records for the undersigned regarding the above-identified application is enclosed. As can be seen, the internal records which were printed on August 9, 2002, do not indicate any outstanding due date.

2. On August 9, 2002, the undersigned instructed his administrative assistant, Melanie Clemons, to contact the USPTO PCT Help Desk to ascertain the status of the above-identified application. At that time, Ms. Clemons was advised that the Notification of Missing Requirements had been mailed by the USPTO on January 24, 2002. Ms. Clemons then requested that she be faxed a copy of the Notification of Missing Requirements.

3. On August 16, 2002, the undersigned requested that Applicants execute the Declaration/Power of Attorney.

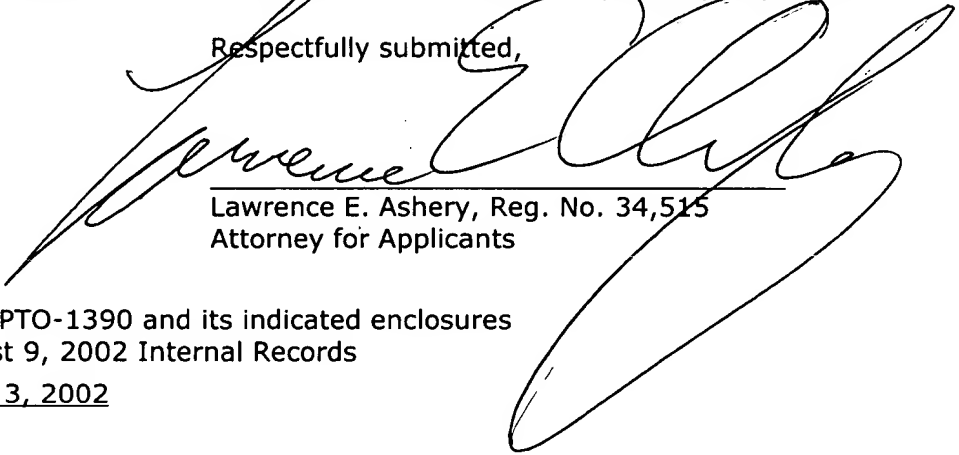
4. On August 27, 2002, Applicants' representative received the executed Declaration/Power of Attorney from the Applicants.

Because the entire delay in responding to the Notification of Missing Requirements was due to the fact that the Notification of Missing Requirements was lost in the mail, Applicants' representative does not believe that this Petition should be treated as a petition under Rule 137. If, however, the USPTO insists on treating this Petition under that Rule, Applicants' representative hereby states that the entire

delay in filing the required reply from the due date for the reply until the filing of this Petition was unavoidable.

Entry of the enclosed Declaration/Power of Attorney is respectfully requested.

Respectfully submitted,



Lawrence E. Ashery, Reg. No. 34,515
Attorney for Applicants

LEA/fp

Enclosures: Form PTO-1390 and its indicated enclosures
August 9, 2002 Internal Records

Dated: September 3, 2002

P.O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700

The Assistant Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

EXPRESS MAIL: Mailing Label Number: EV 187 423 864 US
Date of Deposit: September 3, 2002

I hereby certify that this paper and fee are being deposited, under 37 C.F.R. § 1.10 and with sufficient postage, using the "Express Mail Post Office to Addressee" service of the United States Postal Service on the date indicated above and that the deposit is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



SOLOMON JAMES